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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARTIN VOGEL and KENNETH
MAHONEY, on Behalf of Themselves and
All Other Similarly Situated,

Plaintiffs,

v.

STEVEN JOBS, PETER OPPENHEIMER,
FRED ANDERSON, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ALBERT GORE, Jr., ARTHUR D. LEVINSON,
JEROME B. YORK and APPLE COMPUTER,
INC.,

Defendants.

Case No.: C06-05208-JF

**STIPULATION AND [PROPOSED]
ORDER SETTING SCHEDULE FOR
FILING OF AMENDED
CONSOLIDATED COMPLAINT AND
BRIEFING AND HEARING
SCHEDULE RE MOTIONS TO
DISMISS**

CLASS ACTION

1 WHEREAS, Plaintiff Vogel commenced this action by filing a Complaint on August 24,
2 2006;

3 WHEREAS, the Court appointed Lead Plaintiff and Lead Counsel in this case on January
4 19, 2007;

5 WHEREAS, the parties previously entered into a stipulation establishing a schedule for
6 Defendants' responses to the Complaint;

7 WHEREAS, the parties wish to establish a schedule governing the filing of and
8 Defendants' responses to the Consolidated Complaint,

9 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned,
10 subject to approval of the Court, as follows:

11 1. Plaintiffs shall file the Consolidated Complaint on or before March 23, 2007;

12 2. That Defendants shall file their responses to the Consolidated Complaint on or
13 before May 7, 2007;

14 3. That in the event that Defendants respond to the Consolidated Complaint by filing
15 motions to dismiss pursuant to Federal Rule of Civil Procedure 12, the briefing and hearing
16 schedule for Defendants' Motions to Dismiss will be:

17 Plaintiffs' Opposition Due: June 21, 2007

18 Defendants' Replies Due: July 11, 2007

19 4. The hearing on Defendants' Motions to Dismiss shall take place no earlier than
20 August 6, 2007.

1 Dated:

2 Respectfully submitted,

3 **GRANT & EISENHOFER P.A.**

4 By /s/ Lesley E. Weaver
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18 *Attorneys for Proposed Lead Plaintiff*
19 *The New York City Employees' Retirement System*

17 Dated:

18 GEORGE A. RILEY
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20 LUANN L. SIMMONS
21 O'MELVENY & MYERS LLP

22 By: /s/ Luann L. Simmons

23 Luann L. Simmons

24 Attorneys for Defendants STEVEN P. JOBS,
25 PETER OPPENHEIMER, WILLIAM V.
26 CAMPBELL, MILLARD S. DREXLER,
27 ALBERT GORE, JR., ARTHUR D.
28 LEVINSON, JEROME P. YORK, and APPLE
INC.

1 Dated:

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MUNGER, TOLLES & OLSON LLP

4 By: /s/ Yohance C. Edwards

5 Yohance C. Edwards

6 Attorneys for Defendant FRED D. ANDERSON

9 **ORDER**

10 THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

12 Dated: _____

13 By: _____
14 THE HONORABLE JEREMY FOGEL
15 UNITED STATES DISTRICT JUDGE